

REMARKS

By the present Amendment, claims 1, 3-5, 7, 10, 12, 15, 22, 23, 31 and 32 have been amended. No claims have been added or cancelled. Accordingly, claims 1-15 and 22-35 remain pending in the application. Claims 1, 7, and 12 are independent.

In the Office Action of July 16, 2007, claims 1-6, 22-30, 7-11 and 31-35 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claims 1-15 and 22-35 were rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 7,206,388 to Diacakis. These rejections are respectfully traversed.

Claims 1-6, 22-30, 7-11 and 31-35 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. With regard to this invention, the Office Action cites several instances of language that was considered vague or otherwise indefinite. The Office Action further indicates that various steps in the independent claims appear to lack functional relationship with each other as the remaining steps.

By the present amendment, Applicants have made various changes to the claims in order to address the issues of indefiniteness raised in the Office Action. In particular, various amendments have been made to claims 1, 7, and 12 to correct the editorial errors that have resulted in vague and indefinite language. Further, minor amendments have been made to the dependent claims to correct editorial

errors that may lead to further indefiniteness. For example, the term "appropriate" has been deleted from claims 1, 7, and 12. The term "object" has been modified, and now recited as --an object that supports said particular communication device--. See paragraph 46 of the specification. Applicants have also deleted the semicolon (;) from line 5 of claim 12 in order to better clarify the description of the presence client.

Regarding the lack of functional relationship between steps in independent claim 1, Applicants have made various amendments to better clarify the language of the claim and interrelate the steps recited therein. Additionally, similar amendments have been made to independent claims 7 and 12.

It is therefore respectfully submitted that, as amended, the presently pending claims satisfy the requirements of 35 U.S.C. §112, second paragraph. Withdrawal of this rejection is therefore respectfully requested.

Claims 1-15 and 22-35 were rejected under 35 U.S.C. §102(a) as being anticipated by Diacakis. Applicants note that the Office Action refers to the Provisional Application (60/365,244) from which the Diacakis Patent claims priority. Review of the Provisional Application and the issued patent has revealed significant discrepancies between their contents. In particular, it appears as though significant subject matter was added in the Utility Patent Application after the Provisional was filed. Since the Office Action makes reference to the Provisional Application in support of the rejection, Applicants will also refer to the teachings disclosed in the Provisional Application.

In rejecting the claims, the Office Action indicates that Diacakis discloses a system for facilitating communication with a presentity that includes all of the

features recited in independent claim 12. The Office Action specifically alleges that Diacakis discloses a system that comprises a presentity presence client, a watcher presence client, a presence server connected to the presentity presence client and the watcher presence client, and a communication device separate from the presence server that is connected to the watcher presence client and the presentity presence client. The Office Action further alleges that the presence server receives subscription requests and replies to the watcher presence client to identify the availability of the presentity for the subscription request. The watcher presence client is further alleged as being operable to launch an appropriate helper application and/or objects, and to initiate communication with the presentity through the particular communication service. Applicants respectfully disagree.

Diacakis discloses a system in which a user places a telephone call to a voice gateway by dialing the directory number of the voice gateway. The user verbally provides the name of the person to be called in response to the voice gateway verbally requesting the name of the recipient. Once the voice gateway has determined the name of the person to call, it communicates with a server to get a currently preferred telephone number with which to contact the person. The server retrieves the currently preferred telephone number from a presence server which contains presence and availability information about the person. The currently preferred phone number is therefore associated with the person's current presence and availability at the presence server. Additionally, the currently preferred phone number can be a landline phone, a wireless phone, etc. Alternatively, Diacakis discloses that the voice gateway can communicate with an instant messaging server or short messaging service (SMS) center. Accordingly, the user can be prompted to

leave a voice message which is subsequently forwarded to the person via IM service or SMS after being transcribed.

Contrary to the Examiner's assertions, Diacakis does not provide a presentity presence client and a watcher presence client as set forth in independent claim 12. At the outset, Applicants note that Diacakis fails to provide any teaching or suggestion for a call recipient client terminal or a call originator client terminal as alleged in the Office Action. Rather, Diacakis discloses a telephone for placing calls and a second telephone for receiving calls. See paragraphs [0002] and [0005]. While Diacakis makes reference to the call recipient being able to receive attachments to IM messages or SMS messages, there are no details provided concerning devices that can be used to receive these messages. Accordingly, it appears that hindsight is being used to construe the teachings of Diacakis to read on the claimed invention.

Applicants also note that Diacakis fails to provide any disclosure or suggestion for a presentity presence client or watcher presence client at either the call recipient endpoint device or the call originator device as set forth in independent claim 12. The instant specification specifically defines the term "clients" as software entities that reside in a device to facilitate communication between the user and a presence agent. See paragraph [0022] of the specification. Proper interpretation of independent claim 12 dictates acceptance of this term. In this regard, Diacakis is completely silent on providing a client at either of the endpoint devices.

Independent claim 12 further specifies that the watcher presence client projects a subscription request. In contrast, the call originator telephone of Diacakis has no capability to predict such a subscription request. Rather, Diacakis only refers

to subscribers of an individual's presence information, and provides no disclosure for someone to subscribe to this information beyond a substantially manual procedure, as described in paragraph [0016]. In contrast, independent claim 12 provides a presentity presence client and a watcher presence client for projecting a subscription request (i.e., a presence client associated with a watcher).

The Office Action further alleges that Diacakis discloses a presence server that is connected to the presentity presence client and the watcher presence client, and that the presence server receives the subscription request and replies to the watcher presence client in order to identify the availability of the presentity for the subscription request. Applicants' review of Diacakis, however, suggests otherwise. At best, Diacakis arguably discloses a server that can be analogized as a presence server. See element 24 of Fig. 1. However, the presence server of Diacakis only provides presence and availability information about an individual (see paragraphs [0005], [0015], and [0016]) a feedback mechanism for filtering inaccurate presence information (paragraph [0008]) and a substantially manual procedure for allowing an individual to update a profile (see paragraph [0017]). Diacakis does not appear to provide any disclosure or suggestion for a presence server that is enabled for "receiving the subscription request and replying to said watcher presence client to identify the availability of the presentity for the subscription request", as set forth in independent claim 12.

Since Diacakis fails to disclose a presentity presence client and a watcher presence client, it is also not possible to provide a presence server that is connected to the presentity presence client. In fact, Diacakis appears to teach away from the system of independent claim 12 inasmuch as Fig. 1 thereof clearly illustrates the

alleged presence server being connected to server 20. This is further supported by the fact that Diacakis does not even suggest the ability for the presence server to be connected to any other element other than server 20.

It is therefore respectfully submitted that independent claim 12 is allowable over the art of the record.

Claims 13-25 depend from independent claim 12, and therefore are believed allowable for at least the reasons set forth above with respect to independent claim 12. In addition, these claims each introduce novel elements that independently render them patentable over the art of record.

In rejecting claims 1 and 7, the Office Action alleges that the presence system of Diacakis is inherently capable of performing the process recited in claims 1 and 7. Applicants respectfully disagree.

According to the system of Diacakis, once the voice gateway receives the preferred telephone number from the presence server, an outgoing call is initiated to the recipient at the preferred number, and the incoming call from the user is bridged with the outgoing call to the recipient. See paragraph [0009]. Alternatively, the voice gateway can record a voice message and send the voice message as an attachment to an IM or as an SMS message (after the speech has been converted to text). There is no teaching or suggestion for "checking to determine if a particular communication service is supported by said user," as set forth in the claimed invention. Rather, the voice gateway assumes that the means used to reach the user is supported. Diacakis further fails to provide any disclosure or suggestion for the feature of "launching at least one of a helper application that assists with said particular communication service and an object that supports said particular

communication service." Rather, the voice gateway simply initiates an outgoing call in response to receiving the preferred telephone number and bridges the outgoing call with the incoming call. Diacakis fails to disclose or suggest means for initiating the outgoing call and bridging the calls (without the voice gateway).

Regarding independent claim 7, Diacakis also fails to provide any disclosure or suggestion for projecting subscription requests to a presence server. Rather, Diacakis discloses that an individual may modify their presence profile, including changing subscribers. This is manually performed by the individual. Accordingly, if a user wishes to subscribe to an individual's presence information, the user would necessarily have to contact the individual and request to be added as a subscriber. Further, the individual would need to collect information associated with the user and add this information to the presence server.

Even if Diacakis were somehow capable of projecting a subscription request to a presence server, this would necessarily have to occur at the call originator telephone. The result would be an impossible situation because the call originator telephone is only an endpoint terminal, and furthermore, is only in contact with the voice gateway. Additionally, the voice gateway of Diacakis is not capable of acting as an intermediary between the call originator telephone and the presence server. Rather, the voice gateway serves only to request a preferred telephone number from the presence server and place the call originator telephone in communication with the call recipient device.

Consequently, it appears that Diacakis further teaches away from the claimed step of "projecting a subscription request to a presence service for determining the availability of the presentity." Diacakis also fails to provide any disclosure or

suggestion for the step of "receiving a notification message from the presence service in response to said subscription request, said notification message comprising a role tag for identifying a role that the presentity is in and a key tag for identifying the availability of the presentity for the subscription request," as recited in independent claim 7.

It is therefore respectfully submitted that independent claims 1 and 7 are allowable over the art of record.

Claims 2-6 and 22-30 dependent from independent claim 1, and are therefore believed allowable for at least the reasons set forth above with respect to independent claim 1. In addition, these claims each introduce novel elements that independently render them patentable over the art of record.

Claims 8-11 and 31-35 depend from independent claim 7, and are therefore believed allowable for at least the reasons set forth above with respect to independent claim 7. In addition, these claims each introduce novel elements that independently render them patentable over the art of record.

Concurrently submitted herewith, is a drawing replacement sheet containing Fig. 1. The Replacement Sheet contains reference numerals that were not previously included in the drawings. No new matter has been entered.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the

filing of this paper, including extension of time fees, to Deposit Account No. 01-2135
(1375.42980X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read "Leonid D. Thenor", is written over a horizontal line.

Leonid D. Thenor
Registration No. 39,397
(703) 312-6600

Attachments

LDT:dlh